

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ASHLEIGH MASON, DAN MORSE, RYAN CARROLL, OSAGIE EHIGIE, NEREDA BODNAR, and TRAVIS STREETER, on behalf of themselves and all others similarly situated,

Civ. No.: 17-cv-04780 (MKB)(RLM)

Plaintiffs,

-against-

LUMBER LIQUIDATORS, INC.,

Defendant.

ORDER APPROVING SETTLEMENT, SERVICE AWARDS, AND ATTORNEYS' FEES AND COSTS

This matter comes before the Court on Plaintiffs' Unopposed Motion for Approval of Settlement, Service Payments, and Attorneys' Fees and Costs ("Motion"). Having considered Plaintiffs' Motion and supporting Memorandum and exhibits, the Court hereby GRANTS Plaintiffs' Motion and ORDERS as follows:

1. The Court finds that the Parties' Settlement in this Fair Labor Standards Act action is a fair, reasonable, and adequate resolution of a bona fide dispute. The Parties' Settlement is approved, and the terms of the Parties' Agreement are incorporated herein.

2. The Parties' agreed form of Settlement Notice, and the plan for its distribution, are approved.

3. The Service Awards of \$10,000 each to Plaintiffs Nereda Bodnar (individually), Nereda Bodnar (as substitute for the deceased Travis Streeter), Ashleigh Mason, Dan Morse, Ryan Carroll, and Osagie Ehigie are approved.

4. Plaintiffs' Counsel's request for attorneys' fees, as set forth herein, plus their reasonable out-of-pocket costs and expenses is granted. Specifically, Plaintiff's attorneys' fees

shall be one-third of the net settlement fund, after deduction of costs. For avoidance of doubt, the gross settlement amount of \$7,000,000 subtracted by the reasonable out-of-pocket costs and expenses of \$80,280.68, equals a net settlement fund of \$6,919,719.32. One third of the net settlement fund which shall be awarded to Plaintiffs' counsel as their attorneys' fee award is \$2,306,573.11.

5. Further, based on the submission on April 27, 2022, the Court permits Jason Gonzalez to participate in the settlement.

6. This action is dismissed without prejudice, with leave to reinstate on or before 180 days after the first Settlement Notices are sent pursuant to the terms of the Settlement. In the event a motion to reinstate is not filed on or before 180 days after the first Settlement Notices are sent, the case shall be deemed, without further order of the Court, to be dismissed with prejudice.

7. The Court will retain jurisdiction to enforce the Agreement.

Dated: April 27, 2022

/s/ Roanne L. Mann
The Honorable Roanne L. Mann
United States Magistrate Judge